

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION**

Anthony Domenic Reo,	:	
	:	Case No: 1:19-cv-3
Plaintiff,	:	
	:	
v.	:	Judge:
	:	
Dyck O'Neal, Inc.,	:	
	:	Notice of Removal
Defendant.	:	
	:	

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Dyck O'Neal, Inc., by counsel, hereby remove the above-captioned action from the Mentor Municipal Court to the United States District Court, Northern District of Ohio, Eastern Division on the following grounds:

1. Plaintiff filed this action against the Defendant in the Mentor Municipal Court, Case No. 18-CVF-1178, on November 26, 2018. A copy of the Summons and Complaint is attached as Exhibit 1.
2. Plaintiffs' Complaint (attached hereto as Exhibit 1) alleges a claim under the federal Fair Debt Collection Practices Act and the Telephone Consumer Protection Act and the Ohio Consumer Sales Practices Act.
3. On December 3, 2018, a copy of the Summons and Complaint was served on Dyck O'Neal, Inc.. Therefore, this removal is timely pursuant to 28 U.S.C. § 1446(b), having been made and filed within thirty days of receipt by the Defendant of a copy of the initial pleading setting forth the claim for relief upon which jurisdiction is based.

4. Copies of all process, pleadings and orders served upon Defendants are attached and filed with this Notice as Exhibit 1, pursuant to 28 U.S. C. § 1446(a). To the best of the undersigned's knowledge, no other pleadings or documents, other than the documents attached hereto, have been filed in this matter.
5. A copy of this Notice of Removal will be served on Plaintiff and filed in the Mentor Municipal Court pursuant to 28 U.S.C. § 1446(d)
6. All Defendants consent to the removal of this matter to this Court.
7. The United States District Court for the Northern District of Ohio has original federal question jurisdiction over this case pursuant to 28 U.S.C. § 1331 because Plaintiff's Complaint is based on alleged violations of the federal Fair Debt Collection Practices Act and the Telephone Consumer Protection Act.
8. This Court also has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367 (a). Here, Plaintiff's state law claims relate directly to the same allegations that are the subject of her federal law claims. The said state law claims arise from the same nucleus of operative facts as the alleged violation of federal law and form a part of the same controversy alleged in the Complaint. As such, this entire action is properly removed under 28 U.S.C. §§ and 1331.

PLEASE TAKE NOTICE that the Defendants will file copies of this Notice with the Clerk of the Mentor Municipal Court pursuant to 28 U.S.C. § 1446(d).

Respectfully submitted,

/s/ Zachary P. Elliott
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Counsel for Dyck O'Neal, Inc.

Certificate of Service

I hereby certify that a true and accurate copy of the foregoing Notice of Removal has been served by the Court's CM/ECF service to all counsel of record on January 2, 2019 as well as e-mail and regular mail to the following:

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Attorney for Plaintiff

/s/ Zachary P. Elliott
Zachary P. Elliott (0090057)